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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,631	07/12/2000	John Dennis Hilgren	163.1382US01	2124
23552	7590	09/28/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			PAK, JOHN D	
			ART UNIT	PAPER NUMBER
			1616	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Hilgren

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EXAMINER

Pak, J.

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Commissioner for Patents


This communication is in response to IDS filed on 8/25/2006. The Notice of allowance was mailed on 8/10/2006.

Applicant states that the IDS was originally filed on 11/1/2004. The Examiner cannot verify the original filing because there is no record in this case of any papers having been filed by applicant in November of 2004.

The Examiner has checked the file contents of this application and notes the following:

- 1) The Federal Register document at issue appears to have been first submitted on 2/3/2005, not 11/1/2004. See applicant's Response to Request for Information, filed on 2/3/2005, page 1, paragraph (1) and Exhibit A. In the Response to Request for Information, although applicant did submit a copy of the Federal Register document, it was not cited in an IDS.
- 2) The Examiner discussed the full Federal Register document that applicant submitted on 2/23/2005 in the Office action of 5/5/2005. See page 7 of the action. So the record is clear that the full document was considered even though it was not initialed in an IDS format.
- 3) An abstract of the aforementioned Federal Register document was twice cited in an IDS -- see sheet 1 of 1 of the IDS of 2/27/2002 and Sheet 3 of 5 of the IDS of 5/10/2004. Those IDS papers have been initialed and signed. However, it is noted that the abstracts were never identified by applicant as Chemical Abstracts 125:56587 even though that was the actual document submitted by applicant. So the initialed and signed copies of the IDS in the record of this case does not actually identify the abstract as the Chemical Abstract.

Given the fact that the Examiner cannot find any evidence of a previous filing of the instant IDS, the Examiner must treat the IDS as an IDS filed after allowance under 37 CFR 1.97(d). Under these facts, applicant has not met the requirements of the Rules for having a post-allowance IDS considered. Consequently, the IDS of 8/25/2006 cannot be given consideration.


JOHN PAK
PRIMARY EXAMINER
GROUP 1600